

going on. And when it is made clear that we will not, as a Nation, tolerate what this administration has been allowing and looking the other way on, in the Veterans Administration, then things will change. But not until then. And when it is made clear to this administration that ObamaCare is a threat to seniors—it did cut \$716 billion from Medicare, which means they are not going to get the health care they need—when you are spending billions of dollars to hire IRS agents and navigators, more bureaucrats, then that is billions of dollars that will not be saving the lives of people that need lifesaving medications, need lifesaving procedures. Americans have got to wake up and demand better; and when they do, they will get it.

But I also want to touch on the USA FREEDOM Act, as it was labeled. I had an amendment. Though I applauded the work that was done by my friend from Wisconsin (Mr. SENSENBRENNER) to negotiate an agreement, I still had the same concern I had back in 2005 and 2006 as a freshman. At that time, I brought it to the attention of the Gonzales Justice Department. I brought it to the attention of the Bush administration that I am concerned about this part in the PATRIOT Act where it says, like in section 215, that you can go after anybody in “an investigation to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism.”

So in both of those cases, they have to involve a foreign entity, a foreign agent, a foreign country, a foreign group of some kind, international terrorism. Those have to be involved for the PATRIOT Act to apply because as, apparently, Congress was told when the PATRIOT Act was passed back in desperation after 9/11/2001, we have got to protect against international terrorism, foreign agents, people who are dealing with foreign agents. That is what it was for.

So this third part concerned me because it says, or to protect against “clandestine intelligence activities.” “Clandestine intelligence activities,” what does that mean? It is very vague. And it doesn’t say “foreign.” It doesn’t say “international.” And since we were told that we are not allowed to just go gather information about American citizens, then this should have the word “foreign” or “international” in there.

So my amendment to the USA FREEDOM Act that would amend this part in there. It dealt with that, the amendment that was fought against by my friend from Wisconsin (Mr. SENSENBRENNER). They had too perfect of a cake that they had baked, and they, as MacArthur Park says, “may never have the recipe again. Oh, no.” They couldn’t allow a change to their recipe. So they didn’t allow any reference to “foreign” or “international.”

And the other references within the PATRIOT Act and the other references,

like in 18 U.S.C. 1842 talks about to obtain “foreign intelligence information not concerning a United States person” or “to protect against international terrorism or clandestine intelligence activities.” So it needed the word “foreign” or “international” somehow in there. I provided that, but the proponents of the USA FREEDOM Act did not want it in.

Although my amendment originally passed in committee, it was revoted on a voice vote quickly after we were coming back from a vote on the floor and taken out. And although a majority of those in the Rules Committee said that my amendment needed to be in the law to protect it and to protect American citizens, when the rule came out, the rule said that my amendment was not going to be allowed to have a vote.

So I had to vote against the USA FREEDOM Act because this is a gaping hole that allows the Federal Government to go after and spy on American citizens who have no contact with any foreign government, any foreign agent, have no ties at all to international terrorism, haven’t necessarily ever even thought about terrorism. But with this, if they can be alleged to have engaged in any type of clandestine intelligence activities, you can go after them and spy on them.

And what does that mean? Well, I have asked the question, and I have not gotten any satisfactory answer—any answer, really. Well, does that mean, if somebody looks over a fence into a Federal enclave, that that is trying to get intelligence and that might invoke this provision of the PATRIOT Act? Or how about if someone mistakenly goes to a Web site, does that invoke this provision that allows you to go after them? And I haven’t gotten a good answer, and I haven’t been told how this has been applied. I was hoping to get an answer that it has never been used, but I haven’t gotten that either.

As a result, I had to vote against the USA FREEDOM Act because I didn’t want my name on a bill that leaves a hole this large, allowing the Federal Government to go after American citizens who have never even thought about terrorism and have never had any contact with a foreign agent.

So, Mr. Speaker, I wanted to reiterate again that I think we will suffer if, having been given so much more freedom, more assets than any nation in the history of the world, we do not stand up for Jews and Christians being persecuted around the world.

We have clearly gone to war and lost human life and limb on behalf of protecting Muslims in the world. It is time that we also stood for Christians and Jews around the world.

I never thought I would see anti-Semitism arise in my lifetime like it has. On our college campuses in the name of open-mindedness, they have become anti-Semitic and racist, anti-Israeli. We have got to demand better from this administration, and we have

got to stand up for those Jews and Christians who are being persecuted and oppressed in greater numbers than ever before.

And with that, I yield back the balance of my time.

VETERANS’ BENEFITS SCANDAL

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2013, the gentleman from California (Mr. LAMALFA) is recognized for the balance of the hour as the designee of the majority leader.

Mr. LAMALFA. Mr. Speaker, this is a conversation that has been a long time coming. I am in my first term here in the House of Representatives, and soon after becoming a Federal Representative, it became very apparent to me that our veterans in California, in our districts, and all across the country really need a lot more of our help, as Members of Congress, as our staff both in our districts and even in D.C. can do for us for the veterans.

You have seen the revelations here lately that have finally gotten the attention of the American public, with what has been going on in Arizona, previously Pittsburgh with Legionnaires’ disease, and the many other revelations about how poorly our veterans are being treated in this country once they have served for us and have come home, expecting the things that they were promised before they made that service for us.

□ 1330

For example, revelations about secret waiting lists in the Veterans Administration as we have seen in Arizona. They have shocked most Americans here in recent weeks.

Today, I speak out on an even bigger crisis within the VA system, and that is the monumental failure of the Oakland, California, Veterans Benefits Administration.

Most of our veterans must run through this nightmarish gauntlet before they can even hope to be added to the secret waiting list at a Veterans Administration medical facility.

Here on the floor we talk a lot about claims backlogs often, and we have seen mountains of paper files. Our inevitable solution always seems to be to give them more money to fix the problem. Well, the Congress, with the American taxpayers’ dollars, has funded VA pretty adequately. We have made an effort here recently to try to help catch up with the backlog with the funding required. We were then issued cheerful responses of decreases in processing times that are systematically manipulated by upper level officials at VA in order to show progress to make us go away.

Right now, the Oakland office boasts that they have no claims over 125 days old. In reality, tens of thousands of the Oakland VA are trapped in a cycle many veterans call “delay, deny and wait until they die.”

One main trick is to omit key information that would help the veteran in his or her claim, whether it be the exams, timelines, what have you, then deny the claim, ship it off for 2 or 3 years' worth of review and appeal process. In the meantime, we will deem it processed.

The management is more interested in the open number of claims stats on the reports than processing them accurately or in a timely fashion, and then reaping bonuses by posting a savings to the government—to the taxpayers—by denying these claims and these payments.

How many veterans are homeless because their claims for benefits have been sitting on a cart or in a janitor's closet or in the hallway by the director's office for years—or even decades? Benefits that would help them to not be homeless, to have shelter, to have better health, to even be in a place where they could then seek employment and be in a much better way?

How many veterans have suffered and died waiting years for their claim to be handled so they could seek medical treatment? Some of it needs to be very timely to have exams and treatment.

How many of our veterans have given up hope and committed suicide out of desperation and despair that comes with years of waiting, because they don't feel like anybody cares about them anymore and that they don't have any value to our society?

Yet, on weekends like we have coming up, we glorify them—as we should, those that have fallen—on Memorial Day and later in the year on Veterans Day. Yet this is what our government does to them. We know that we have veterans that take this ultimate step of suicide. We know they exist.

I submit that many of our Nation's veterans are part of a backlog that exceeds the most extraordinary numbers we currently have on file. For example, for this past year, my own office has been assisting for a full year a veteran with a 36-year-old claim. Due to management practices—if you call them practices—at the Oakland Regional Office, this veteran still suffers this day from not having his claim properly handled. Remember, he is not even eligible yet after 36 years to make it on to the secret waiting list for medical care, as in Arizona, to then finally graduate to the real list. Hasn't even made that in 36 years yet.

The Veterans Affairs Department's mission declares:

Our values are more than just words—they affect outcomes in our daily interactions with veterans and eligible beneficiaries and with each other. Taking the first letter of each word—integrity, commitment, advocacy, respect, excellence—creates a powerful acronym, “I CARE,” that reminds each VA employee of the importance of their role in this Department. These core values come together as five promises we make as individuals and as an organization to those we serve.

Now, let me underscore we know there are many, many very hard-

working and caring VA employees out there that want to get results for the veterans. Many of them have been veterans themselves. So this isn't to impugn all of them. This is about upper management—on a topic that has been even one the President has focused on this week—not getting the job done and trying to snow us here in the Congress and the American people about the results they have been claiming.

Thanks to a growing group of employees who understands these core values I just mentioned and now feel empowered to step forward because they see there are people who really want to get behind them, I have been given a number of multiple signed, sworn statements by employees on what is happening behind the curtain at the Oakland Veterans Benefits Administration office.

Right here on this easel is a statement I received from one of them in the letter. It is just one of the few examples that I will read for you:

I am an employee of the Veterans Administration Regional Office in Oakland. I took a photo on May 19, 2014, showing stacks of paper piled on a cart. This paper is actually informal claims going back to the late '90s and 2000s. These claims were not reviewed until November of 2012. These claims continue, to this day, to be a pile of paper on a cart that no one wants to deal with. I was part of the initial project reviewing these claims. My initials are on them from November, 2012.

Again, this is an employee from the Oakland center.

Congressman LaMalfa, I want you to know that I am a proud Navy veteran of 10-plus years and looked at the opportunity to work at the Veterans Administration as a chance to really help veterans. In the 5 years I have worked there, I know I have helped people, but there is so much more that could be done. The management at the Oakland Regional Office is concerned about the numbers and not the veterans. Terminal and homeless veterans wait for too long for the help that they need. I believe that there are a lot of wonderful employees that truly want to help but are being directed by management to worry about number control.

What I don't understand is why they can't be more transparent about the number of claims and the need for more resources. We need more employees to do the job; we don't need new carpet and desks like they just gave us when veterans die waiting for us to do our job. This job is literally made me sick. I go to work knowing that during my day, I will have to help the veterans in a low-key way and not what I am being told is needed to get the veterans numbers down. This makes me physically ill. I think about all the letters begging for help and we seem to do so little.

I believe Oakland needs new eyes. I believe we need more oversight. I believe far too many veterans die each day while we worry about what our numbers look like. These veterans go home with me each night in my thoughts and regrets of the day because we seem to do so little.

This is a small sample of what is happening here, and we have additional statements, as well, about what is going on inside the Oakland VA, and maybe an example of many of them across the country.

In this photograph is an example of the files. Right now these are waiting in the hallway, and before that, they were found in a broom closet where they had been stashed for years. Some of these claims go back to the mid-1990s, untouched, only recently discovered, yet they still get walked past and not handled. Stacks of them, the filing cabinet.

The next letter is from an Oakland VA employee—a real employee. We are keeping their names back for now because we want people to know that we are going to help them if they come forward with this information:

In November 2012, myself and several other individuals were given a special project to work. The project consisted of approximately 14,000 claims dating back to 1994 that had never been worked. These claims are considered informal claims because they did not come in on a prescribed form. Informal claims are worked differently. A letter is sent with the correct form later for the veteran to fill out, and when the form is returned, the claim is actually opened to work. If the form is returned within 1 year, if the veteran receives compensation, their benefits then would go back to the date of his first correspondence, the informal.

We were given these claims to analyze, and very quickly we began to realize that these were not all informal claims but actionable ones, not to mention how old some of them were. So many of the letters that came in were from veterans, or their surviving spouses, who were begging for help at the end of their life, and they never got a reply because they had died by the time we got them. I went home so many nights crying because a veteran or widow had begged for help, and we stuck the request in a four-drawer lateral cabinet—kind of like so—with 14,000 other ones. Each day we were required to report back to our supervisor on the numbers and how they were broken down. If the veteran had already died, it is considered non-actionable and put aside. Whether it actually made it to the veteran's folder is unknown to me.

Again, this is an Oakland employee:

If it was an informal claim and the claimant was still alive, those were put in another pile to eventually review again and maybe do the letters. If the document received came from a veteran who had already filed a formal claim, then these would be considered actual claims and be reviewed by another person before being acted upon. So each day we would report our numbers and separate out the documents. We began to speak up about how old these were and why hadn't we acted sooner on them, and we were very quickly removed from the project for speaking out.

These claims were within feet of the assistant service center manager; she literally walked by them each day, and yet they remained untouched until November 2012. Word was that a staff member from VA headquarters had actually been the one to find them while she was there doing an onsite inspection. And yet several long-term employees have told me that management knew they were there. Either way, most were very old.

I don't know how many veterans or spouses died before we responded, but, I personally know of several hundreds that got nothing, and the thought of us doing nothing to help these men and women in their most desperate times is haunting to me.

Again, signed by an Oakland VA employee.

A third letter addressed to me states:

Dear Congressman LaMalfa: I cannot thank you enough for the work you and your staff have done—

a big credit to my staff who worked very hard on this—

for the veterans in the northern California area. One particular case should have been decided with the evidence on hand last year. I read the examination today and found that the exams have been in the system, and there has been no action on that claim for what the system states is waiting for the examinations. The information is there, and the rating should be completed based on the evidence on hand. Please keep advocating for the veterans. I cannot thank you enough. I am a veteran myself who served honorably for over 9 years and was not provided the benefits from the VA per the law until I—the veteran who is now an Oakland employee—started working for the DVA myself and found out everything I was not informed on.

□ 1345

I left the U.S. Marine Corps, after serving honorably as a military police K-9 officer and member of the SWAT team. I worked hard and, as a result of my disabilities, required several surgeries and, recently, due to the hostile work environment at work, have become progressively worse.

I have tried to report this to management, but they did not like hearing the truth and started to make my life at work miserable 2 years ago. The news is starting to pick up on what I have tried, myself, to report regarding unethical conduct in the VA. Prior to the news picking up on the real problems at the VA, I have been reporting this information to the Senate and Congress Members in the Bay Area's district.

I have reported this to the VA Office of Inspector General on two different occasions. I have reported this to the GAO. I have reported problems at the Oakland VA to the Federal Labor Relations Office of the General Counsel for 2 years, with no assistance.

I have three EEO claims, with one more in the works, that have not been processed by the VA ethically or morally, according to the applicable laws, up to and including the OEDCA in Washington, D.C.

I am begging you to please open a formal investigation into the unethical conduct of the VA Oakland regional office.

The unethical conduct I know of is the fact that the Oakland VA management has not been held accountable for the misconduct or several felony violations that has been recently reported by me.

Since coming out as a whistleblower, I have had many employees discretely discuss some extremely disturbing information with me regarding what is actually going on in the VA and why the management is trying to stop me at all costs.

The unethical conduct goes far beyond my employment difficulties at the VA Oakland regional office. I have come to find out that the Oakland regional office is not only lying to Congress about their numbers, but the Oakland office is hiding claims that were received in 1999.

I have seen these claims in the office as late as May 20, 2014. These claims should be in the claims files if there is not action because the veteran has died in the process, not still sitting around the office for over 15 years.

There are a number of claims that are over a year old. There are many more that have been "lost in transit" to the scan sites, often in some other State. The VA is ethically challenged, but this is unacceptable, to lose a veteran's claim and not tell them or try to

make the situation right, just ignore them and hope they go away or to not process a claim properly for over 15 years.

This is a real letter from a real Oakland VA employee. It continues:

The claims have been sitting for over a year, after having been screened last by a group of VSRs and no action taken because they were sitting in someone's office, then in some storage closet by the director's office on the 17th floor of the Oakland Federal building.

Again, I have made multiple statements to many agencies of the U.S. Government in hopes that the illegal and unprofessional conduct from the management would stop, but the parties who I have reported to this, with ample amounts of evidence provided, have explained that the corruption cannot be stopped without some sort of ethical investigation conducted.

Please initiate some type of ethical investigation by an agency that is not going to try to cover up what they find, rather report the truth and do the right thing.

I have been a law enforcement officer in the U.S. Marine Corps, and I know that what is going on at the Oakland regional office with me and other veterans. It is wrong per the law, not my opinion.

Please, Congressman LaMalfa, assist us in whatever you can do. The veterans deserve better.

Semper Fi, USMC Disabled.

This is what it looks like. There are unfinished files sitting in the hallways, previously found in a broom closet.

Lastly, in a letter from yet another person who stepped forward when they finally saw somebody fighting back at different levels, our Veterans' Committee and other offices around the country, they see the shame being brought upon our veterans and, with that, our country.

This letter says:

There are huge amounts of these claims that are quite old, but because they are reclassified, are not worked expeditiously. Lots of these claims go back several years, but they are being worked as if they are only 2 or 3 years old because they are in a different group, and that is not considered a priority.

A lot of these claims, the 930 series, are review claims created because they found something wrong that we did. Usually, it is not logging in evidence in time before the claim is closed.

I personally logged in evidence on May 16, 2014, that was received by our regional office and date-stamped August 1, 2013. The claim had been closed months before, but because this evidence had not been logged in, it had also not been considered in the decision, which was a denial of benefits. Things like this happen every day.

Now, we open a review claim that will not get worked for months and, sometimes, a year or more. We have veterans that are terminal and asking for aid and attendants, and you would think that these claims, along with the older date of claims of the homeless, would be worked first, but a lot of the times, they are not.

If the regional office can do several easy claims, like hearing loss, tinnitus, then they will do that because then more claims are taken off the books, even though these may not be the veterans with the most need.

So, there, you see manipulation of statistics, manipulation of timing, making the numbers look better, and not making the veterans feel better.

I hope that image is one that will stay with you, all who have seen this or will see this all across our country. Much more needs to be done, not just pretty words, not just press conferences, not we will look into it or that we will throw money at it.

Congress does stand prepared to ensure that there is adequate funding to do it right, but we also expect that the dollars that taxpayers send to the government are used wisely and efficiently and not for bonuses for people that are acting not just ineptly, but, I believe, corruptly.

It is time to stop rewarding this bad behavior with more accountability. Americans have seen these stories. These horror stories are demanding a fix for the veterans health care system and their benefits. We must also demand an end to the phony claims, phony numbers, decades of waiting. It isn't just ineptness or miscues or errors. Someone is very deliberate and, I think, worthy of prosecution as fraud.

I thank those VA employees who have been bold enough to step forward and let us know about what is going on in the backrooms behind the scenes. They are good employees who just want to see veterans served all across the country, so we want to hear more of these stories from anybody who might be watching or see this all across the country.

Contact your own Congressman, contact us, contact whoever will listen and seek remedies that mean something as we celebrate our fallen veterans this weekend. It isn't just about barbecues and skiing and picnics. Let's remember and honor these people.

The system is broken, but it doesn't have to be if we are willing to demand accountability and demand it immediately. That is what I am about, what my office will be about, my staff, but also many of my colleagues that either serve on the Veterans' Affairs Committee or don't.

We will continue to spotlight this and make sure that the stories are heard all across the country, and those who are doing this to our veterans, these criminal acts, ultimately will be held responsible.

So I thank the whistleblowers, those VA employees who do care. We know there are many, many of you and thank you for your effort. God bless our veterans who have suffered and are still waiting and know that you have allies in this place who will see this through and get you the service you deserve.

God bless you all. God bless America.

Mr. Speaker, I yield back the balance of my time.

ADDRESSING SENATORS' COMMENTS

The SPEAKER pro tempore (Mr. VALADAO). Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Iowa (Mr. KING) for 30 minutes.